

OGC Has Reviewed

STATINTL

25 April 1946

[REDACTED]
Chief, Special Funds
Office of General Counsel

Living and Quarters Allowance

1. Questions have been raised by members of your section in connection with the payment of travel per diem while on temporary duty to employees stationed abroad who are concurrently being paid a living and quarters allowance in accordance with Budget Circular No. A-8, Part II.

2. A similar question was considered by the Comptroller General of the United States in an opinion rendered 12 October 1944. In this case, a civilian employee of the Navy Department was ordered to Recife, Brazil on permanent change of station. He was authorized a living and quarters allowance at this station in accordance with Part I of Budget Circular No. A-8. Upon reporting to this station, the employee was immediately ordered to temporary duty at Rio de Janeiro, Brazil. The temporary duty orders authorized payment of a per diem of \$6.00. During the period of temporary duty, the employee was not furnished subsistence or quarters.

3. Paragraph 10 (g) of Part I of Budget Circular No. A-8 provides that while temporarily absent under orders from the post of assignment, the right to living and quarters allowances will continue, subject to the condition, however, that the officer or employee maintains and pays for his quarters at his regular post of assignment during such period, and a certificate by the employee to this effect must appear on the voucher. The Comptroller General ruled that this regulation governed the situation in this case and held that the employee would be entitled to payment of travel per diem while away from his permanent post concurrently with the payment of living and quarters allowance at such permanent post provided the employee did maintain and pay for living quarters at his post of duty during his absence on temporary duty and appropriate certificates to this effect were executed by the employee.

4. Although employees of SSU stationed abroad, are currently being paid living and quarters allowance, under Part II of the Budget Circular No. A-8, it would appear that the procedure prescribed in Part I for the concurrent payment of travel per diem for temporary duty and living and quarters allowance could be applied in similar circumstances. Under this procedure an employee would be entitled to an authorized per diem while absent from his post on temporary duty if in fact he maintains and pays for his living quarters at his permanent station during the period of his temporary duty. A certificate to this effect should be obtained from the employee before any payments in such a case are made.

5. Where the facts might indicate, in a particular case, that an employee has been away from his post of assignment for an extended period, action should be considered with a view to changing the employee's official station. In all cases involving concurrent payments of travel per diem and living and quarters allowance under Part II of Budget Circular No. A-8, discretion rests within the agency involved for proper administrative action to avoid such dual payments when they are not deemed justified, e.g. where the employee is put to no additional expense by reason of absence from his assigned post of duty.

6. The above points were discussed with Miss [redacted] of the Budget Bureau by the undersigned. Miss [redacted] was in agreement and particularly emphasized the administrative discretion resting in the agency concerned to avoid unjustified payments.

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cc: [redacted]

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